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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,242	01/28/2000	Alain Benayoun	FR998-073	1991

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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/18/2004

21

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/493,242

Applicant(s)

BENAYOUN ET AL.

Examiner

Isaac M Woo

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 17-36 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Applicant's Amendments, filed on March 04, 2004 have been considered but they are not persuasive.
2. Claim 17 is amended. Claims 23-37 are newly added. Claims 1-15 and 17-37 are pending.

### ***Response to arguments***

3. Applicant's Remarks filed on March 04, 2004, argues the following factual arguments:

Maxey (U.S. Patent No. 5,590,320) does not disclose or suggest,  
"unique version of the file having the same file logical path name and the file name such that each of the stored plurality of versions of the file are not duplicated".

Examiner disagrees. The points of limitations above are: a unique version of the file having same logical path and each version points physical unit, respectively. File versions are not duplicated. Maxey discloses, the path table (65, fig.2) provides the multiple versions of the same document, which have the same file name but has different version, see (col. 1, lines 30-55, col. 3, lines 25-67 to col. 4, lines 1-67 to col. 5, lines 1-22). The different version means that it is not duplicated. Maxey discloses the

path table that includes Core Subdirectory Information (fig. 2) that is logical path (for instance, directory of: Subdir/C/ Core Subdirectory Information from Path Table) for a file that has same file name and same logical path, see (fig. 2, lines 58-67 to col. 5, lines 1-22). Maxey discloses the same file has different pointers to different volume directory, see (from the path table, Pointers to Volume Subdir Instances. fig. 2). This teaches one file (same file name) has same logical path and points to a plurality of physical unit (volume directories), see (fig. 2, col. 3, lines 23-67 to col. 4, lines 1-67 to col. 5, lines 1-22). And Maxey discloses same file pointer fields identifies in another volume (physical unit) and points to another volume a next earlier time stamp. This teaches the unique version of file is specified by time stamp (for instance, if same file name has different stamp, then it is different version specified by date, 147, fig. 4, col. 6, lines 51-65). And obviously different version of file is not duplicated each other. Thus, Maxey discloses, unique version of the file having the same file logical path name and the file name such that each of the stored plurality of versions of the file are not duplicated.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 and 17-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxey (U.S. Patent No. 5,590,320) in view of Uchinuma (U.S. Patent No. 5,440,737).

With respect to claims 1, 11, 14, 19, and 31-32, Maxey discloses that the file manager provided for locating a file identified by a path referring to a unit and an identifier, table (path table, volume directories table, FIG. 2) for associating the file with a priority list (pointer identifying any next predecessor file with the same name if extant in the physical data volume, col. 1, lines 66-67 to col. 2, lines 1-7, which teaches that the pointer points the order of same files, priority) of physical units (media locations), see (FIG. 2, col. 1, lines 66-67 to col. 2, lines 1-7, col. 3, lines 37-62, col. 4, lines 35-57);

wherein the physical units stores a plurality of versions of the file, see (FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, the files are assumed to differ only in the time of creation or last editing i.e., the file's date stamp, which teaches for a plurality of versions of file); and wherein the table comprises a plurality of associations of a same file logical path name (subdir/c has same file logical path, FIG. 2) and a file name (col. 4, lines 65-67 to col. 5, lines 1-7) in a one-to-one correspondence with a plurality of physical units (Volume Subdir Instances), see (FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22); wherein each of the plurality of associations comprises an association of a unique version of the file having the same file logical path name and the file name, see (col. 1, lines 31-39, FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).

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Maxey discloses the table for associating the file, see (path table, and volume directory table, FIG. 2) and the physical units (FIG. 2, col. 1, lines 66-67 to col. 2, lines 1-7, col. 3, lines 37-62, col. 4, lines 35-57). Maxey does not explicitly disclose "the priority list" of physical units. However, Uchinuma discloses the priority list of physical unit (volume subgroup on disk unit, for instance, table 5 has priority list with value 11 for volume subgroups 551 on disk (physical unit), 5, prioritized volume subgroup table, FIG. 1), see (FIG. 1, FIG. 2, col. 2, lines 12-20, col. 4, lines 8-67 to col. 5, lines 1-49). Therefore, it would have been obvious a person having ordinary skill in the art the time invention was made to combine the priority list of physical units of the system of Uchinuma with the system of Maxey to provide the physical unit's priority list with file. Because the assigning priority value to physical unit with file association can provides file allocation to store and retrieve file with efficient way.

With respect to claims 2-4, Maxey discloses that the unit for modifying the priority list, and attributes for each item, see (FIG. 3, col. 5, lines 28-67 to col. 6, lines 1-14, Note: adding new directory system changes the attributes).

With respect to claim 5, Maxey discloses that the table defines for the file a physical unit with a write attributes that differs from a physical unit with a read attributes, see (col. 1, lines 5-30).

With respect to claims 6-7, Maxey discloses that the unit for modifying the attributes, see (FIG. 3, col. 5, lines 28-67 to col. 6, lines 1-14, Note: adding new directory system changes the attributes).

With respect to claims 8-10, Maxey discloses that the controller of peripheral devices and the operating system in a computer system, comprising a file manager, see (file system, col. 1, lines 5-55).

With respect to claim 12, Maxey discloses that the plurality of versions of the file with a common logical identification are savable, see (col. 1, lines 31-39, FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).

With respect to claim 13, Maxey discloses that the modifying unit for modifying the priority list, to access any of the plurality of versions, see (col. 1, lines 31-39, FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).

With respect to claim 15, Maxey discloses that second request for a file logical path name and a file name is the same as first request, the file, manager associates physical unit listed on the priority to the file name of the second request different from a physical unit associated with a file name of the first request, see (FIG. 5, col. 7, lines 7-55).

With respect to claim 17, Maxey discloses that the file manager selectively accesses a first association of a same file logical path name and a file name established prior to a second association of a file logical path name and a file name, see (FIG. 5, col. 7, lines 7-55).

With respect to claim 18, Maxey discloses that the file manager routes a subsequent request to access a same file logical path name and a same file name as previous request to a different version of the file logical path name and the file name on a different physical unit, see (FIG. 5, col. 7, lines 7-55).

With respect to claim 20, Maxey discloses that the physical unit holds a different version of the file, see (FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22).

With respect to claims 21-22, Maxey discloses that the unique version of the file is associated with a different priority list and same file logical pathname and file name and associated with different physical units comprises different attributes, see (col. 1, lines 31-39, FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).



With respect to claims 23-24, Maxey discloses, selecting one of the plurality of versions of the file based on priority list, the one of plurality of versions of the file is not available, see (FIG. 4, col. 6, lines 58-65).

With respect to claim 25, Maxey discloses, selecting one of the plurality of versions of the file based on priority list, the one of plurality of versions of the file malfunctions, see (FIG. 4, col. 6, lines 58-65).

With respect to claims 26-27, Maxey discloses, determining equivalence of one of the plurality of versions of the file to another of the plurality of versions of the file, comprises comparing at least one of sizes and parities of the one of the plurality of versions of the file and another of the plurality of versions of the file, see (FIG. 4, col. 6, lines 58-65).

With respect to claim 28, Maxey discloses, determining equivalence comprises determining whether a problem has occurred with one of the plurality of versions of the file during a predetermined period of time, see (FIG. 4, col. 6, lines 58-65).

With respect to claim 29, Maxey discloses, removing a corresponding physical unit of the one of plurality of versions of file from priority list of physical units when one of plurality of versions of the file is determined to be equivalent to another of plurality of versions of the file, see (FIG. 4, col. 6, lines 58-65, col. 7, lines 7-55).

With respect to claim 30, Maxey discloses, removing one of plurality of versions of file from corresponding physical unit, see (col. 7, lines 7-55, FIG. 4, col. 6, lines 58-65).

With respect to claim 33, Maxey discloses, priority list includes names of the physical units, see (FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).

With respect to claims 34-35, Maxey discloses, priority list includes names of the physical units, see (FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).

With respect to claim 35, Maxey discloses, locating file is performed in a single access of the table, see (FIG. 2, col. 4, lines 58-67 to col. 5, lines 1-22, col. 1, lines 57-67 to col. 2, lines 1-9).

With respect to claim 36, Maxey discloses, at least one of adding a new file name to the priority list and modifying the file name is performed in a single access of the table, see (FIG. 5, col. 7, lines 7-54).

With respect to claim 36, Maxey discloses, at least one of adding a new file name to the priority list and modifying the file name is performed in a single access of the table, see (FIG. 5, col. 7, lines 7-54).

***Allowable Subject Matter***

6. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW  
May 11, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER